

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20747 of 2004

Between:

M/s.Sri Ram Agro Chemical Industries, Obulanaidupalem, Pothuru

(PO), Guntur District, rep., by its Managing Director, Sri

P.Narasimha Rao, aged about 51 years,

r/o Obulanaidupalem, Pothuru (PO), Guntur District.

..... PETITIONER

AND

1 The Principal Secretary (Agril.& Co.op.) Government of Andhra

Pradesh, Secretariat Buildings, Hyderabad.

2 The Commissioner and Director of Agriculture, Government of

Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus, declaring the action of the 2nd respondent in not disposing of the application pursuant to the orders of the 1st respondent dated 25-8-2003 in Appeal in Government file No.3797/FP.II(1)/2003, as being illegal, arbitrary and consequently direct the respondents to dispose of the application for renewal of licence forthwith.

Counsel for the Petitioner:MR.D.SESHADRI NAIDU

Counsel for the Respondents: GP FOR AGRICULTURE

The Court at the stage of admission made the following ORDER:

Petitioner is an Agro Chemical Industry. Its licence under the Insecticides Act was to expire in the year 2002. Therefore, it submitted an application on 23.09.2002 for renewal. The application was rejected through an order dated 14.12.2002 by the second respondent, after issuing notice. Aggrieved thereby, the petitioner preferred an appeal before the first respondent. The appeal was allowed on 25.08.2003 setting aside the order of rejection and the matter was directed to be considered afresh. The grievance of the petitioner is that the second respondent has not passed any order so far.

Heard learned counsel for the petitioner and learned Government Pleader for Agriculture.

The limited grievance of the petitioner is as to the alleged inaction on the part of the second respondent, in disposing of the application for renewal of licence. It is not as if the application was filed afresh and he seeks disposal of the same. On an earlier occasion, the second respondent rejected it and the order of rejection was set aside by the appellate authority, way back on 25.08.2003. More than one year has elapsed. Refusal or failure to consider an application for renewal of a licence for such a long period, that too, after remand, in fact, constitutes a sad reflection on the functioning of the office of the second respondent. Such an inaction would, certainly, cripple the activity of the petitioner. There cannot be any justification to keep the application pending for

such a long time.

Hence, the writ petition is disposed of directing the second respondent to pass appropriate orders on the application for renewal, within four weeks from the date of receipt of a copy of this order. Having regard to the previous proceedings in the matter, it is directed that in case no orders are passed on the application for renewal within the time stipulated above, the licence shall be deemed to have been renewed for another term of one year. No order as to costs.

06.12.2004

ksld

To

1 The Principal Secretary (Agril.& Co.op.) Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.

2 The Commissioner and Director of Agriculture, Government of Andhra Pradesh, Hyderabad.

3 Two CCs. to the G.P. for Agriculture, High Court of A.P., Hyderabad (OUT).

5 Two CD copies.